

OCT 22 2004

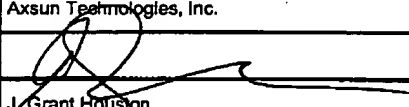
PTO/SB/21 (09-04)


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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/885,226	
	Filing Date	June 20, 2001	
	First Named Inventor	Robert L. Payer	
	Art Unit	2839	
	Examiner Name	Patel, Tulsidas C.	
Total Number of Pages in This Submission	2	Attorney Docket Number	1085-us

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Second Request to Reinstate Appeal
Remarks <input style="width: 100%;" type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Axsun Technologies, Inc.		
Signature			
Printed name	J. Grant Houston		
Date	October 22, 2004	Reg. No.	35,900

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Signature			
Typed or printed name	Claire J. Handalian	Date	October 22, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re: Robert L. Payer, *et al.*  
Serial No: 09/885,226  
Filed: June 20, 2001  
For: Solid-Phase Welded Optical  
Element Attach Process

Group: 2839  
Examiner: Patel, Tulsidas C.  
Confirmation No: 4417

Date: October 22, 2004

**SECOND REQUEST TO REINSTATE APPEAL**

VIA FACSIMILE: 703-872-9306  
Mail Stop Appeal Brief- Patents  
Assistant Commissioner for Patents  
P.O. Box 1450,  
Alexandria, Virginia 22313-1450

Sir:

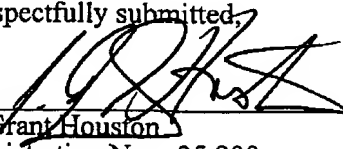
The Supplemental Appellants' Brief filed on April 22, 2004 included a request to reinstate the appeal pursuant to 37 C.F.R. 1.193(b) (2) (ii). Subsequently, a third Final Office Action was issued on June 22, 2004.

The rules do not provide for such an Action. The rules certainly do not afford Appellant the right to respond to such a Final Office Action responsive to a Supplemental Brief, nor should the rules provide for such extension of prosecution in an application potentially subject to term extension.

This Application should be before the Board of Appeals.

Should any questions arise, please contact the undersigned.

Respectfully submitted,

By   
J. Grant Houston  
Registration No.: 35,900  
Axsun Technologies, Inc.  
Tel.: 978-439-3479  
Fax: 978-262-0035

Billerica, MA 01821  
Date: October 22, 2004